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Attorneys for TerraCotta Realty Fund, LLC

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re
AUTO ORANGE II, LLC,
Debtor.

Case No. 8:13-BK-19490-CB

Chapter: 11

**TERRACOTTA REALTY FUND,
LLC'S NOTICE OF MOTION AND
MOTION FOR DISMISSAL OF
BANKRUPTCY CASE**

Date: February 5, 2014
Time: 10:00 a.m.
Ctm.: 5D
411 W. Fourth Street
Santa Ana, CA 92701

**TO THE HONORABLE CATHERINE E. BAUER, UNITED STATES BANKRUPTCY
JUDGE, THE DEBTOR, AND ALL OTHER INTERESTED PARTIES:**

NOTICE IS HEREBY GIVEN that a hearing on TerraCotta Realty Fund, LLC's
("Movant") Motion for Dismissal of Bankruptcy Case (the "Motion") shall be held before the
Honorable Catherine E. Bauer, United States Bankruptcy Judge for the Central District of
California, in Courtroom 5D, of the United States Courthouse located at 411 West Fourth Street,
Santa Ana, California 92701, on February 5, 2014 at 10:00 a.m., or as soon thereafter as may be
heard.

By this Motion, Movant requests that the Court dismiss the chapter 11 bankruptcy case

1 commenced by Auto Orange II, LLC (the “Debtor”). Cause exists to dismiss the Debtor’s
2 bankruptcy case under Bankruptcy Code section 1112(b). The case was filed in bad faith solely
3 to hinder and delay Movant’s right to foreclose on its collateral. There are no other creditors that
4 stand to benefit from a reorganization. In fact, due to a number of issues, including the lack of an
5 impaired consenting class of creditors, no reorganization is possible in this case. The grounds and
6 evidence justifying dismissal of the case are set forth in greater detail in the concurrently filed
7 Memorandum of Points and Authorities and Declaration of Gregory A. Bloyd. Wherefore,
8 Movant requests that the Court dismiss the Debtor’s bankruptcy case pursuant to Bankruptcy
9 Code section 1112(b).

10 **NOTICE IS FURTHER GIVEN** that if you wish to oppose the Motion, Local
11 Bankruptcy Rule 9013-1(f) requires a written response to be filed and served at least 14 days
12 before the hearing date. If you fail to file and serve a written response to the Motion within such
13 time period, the Court may treat such failure as a waiver of your right to oppose the Motion and
14 may grant the requested relief.

15
16 DATED: January 7, 2014

BUCHALTER NEMER
A Professional Corporation

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18 By: /s/ Brian Harvey

Brian T. Harvey
Attorneys for Creditor
TerraCotta Realty Fund, LLC

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
1000 Wilshire Blvd., Suite 1500 Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (*specify*): **TERRACOTTA REALTY FUND, LLC'S NOTICE OF MOTION AND MOTION FOR DISMISSAL OF BANKRUPTCY CASE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **January 7, 2014**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

ATTORNEY FOR CREDITOR: Kyra E Andrassy kandrassy@wglp.com, msciesinski@wglp.com
INTERESTED PARTY: Lei Lei Wang Ekvall, lekvall@wglp.com, tjones@wglp.com
ATTORNEY FOR CREDITOR: Brian T Harvey, bharvey@buchalter.com, IFS_filing@buchalter.com; rreeder@buchalter.com
ATTORNEY FOR US TRUSTEE: Elizabeth A Lossing elizabeth.lossing@usdoj.gov
ATTORNEY FOR CREDITOR: Scott O Smith, ssmith@buchalter.com
UNITED STATES TRUSTEE: United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
ATTORNEY FOR DEBTOR: James D Zhou, jzhou@zhouchinilaw.com, zclawbeth@gmail.com;
rchini@zhouchinilaw.com; ggarcia@zhouchinilaw.com; ajafroudi@zhouchinilaw.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **January 7, 2014**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor

Auto Orange II, LLC
9160 Irvine Center Dr., Suite 200
Irvine, CA 92618

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **January 7, 2014**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Overnight Mail - FedEx

Honorable Catherin E. Bauer
U.S. Bankruptcy Court
Ronald Reagan Federal Building
411 W. Fourth Street, Suite 5165
Santa Ana, CA 92701-4593
(courtesy copies: bin beside 5th floor elevators)

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 7, 2014

Date

R. Reeder

Printed Name

/s/ R. Reeder

Signature

SERVED BY UNITED STATES MAIL:

20 Largest Unsecured Creditors

Franchise Tax Board
PO Box 2952
Sacramento, CA 95812

Internal Revenue Services
PO Box 7346
Philadelphia, PA 19114